STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

DECISION
Case #: MPA - 206848

PRELIMINARY RECITALS

Pursuant to a petition filed on November 14, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03(1), to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on December 28, 2022, by telephone.

The issue for determination is whether petitioner's appeal is moot.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703
       By:
           Division of Medicaid Services
           PO Box 309
           Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:
Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES #) is a resident of Dane County.

2. A prior authorization (PA) for a partial maxillary dentures was submitted by petitioner's dental provider, PA # ▮▮▮▮▮▮▮.

3.   On November 8, 2022, the DMS denied the PA request.

4.   Petitioner appealed.

5.   By letter dated December 28, 2022, the DMS reversed the denial and approved the PA for the maxillary partial denture.

DISCUSSION

A matter is moot if the review sought cannot have a practical effect on the existing controversy. See Racine v. J-T Enterp., 64 Wis. 2nd 691, 702; 221 N.W. 2nd 869, 875 (1974). Here, the petitioner was contesting the denial of the PA for the maxillary partial denture. That issue is now moot as DMS reversed its original decision and now has approved the PA for the partial denture.

Petitioner should have her dental provider submit a new Prior Authorization for the maxillary partial denture and include the December 28, 2022, letter from DMS that indicated the partial denture is now approved.

CONCLUSIONS OF LAW

Petitioner's appeal is moot.

THEREFORE, it is   ORDERED

That that appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision.** Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.
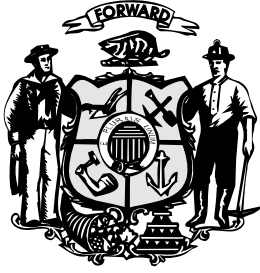
APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 3rd day of January, 2023

\s_____
Jason M. Grace
Administrative Law Judge
Division of Hearings and Appeals

State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

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Internet: http://dha.state.wi.us

The preceding decision was sent to the following parties on January 3, 2023.

Division of Medicaid Services